

Introduced By:  
Councilmember Williams

First Reading: 4/28/97  
Second Reading: 5/27/97  
Effective Date: 5/27/97

### **ORDINANCE NO. 1997-14**

(Amending Chapter 11, Streets, Article 3, Permits and Improvements, of the *Takoma Park Code* to increase the permit fees for construction work within a public right-of-way and to establish a design and inspection fee.)

**WHEREAS**, a City permit is required for excavation in the public right-of-way such as installing, repairing, or replacing any type of underground utility; and

**WHEREAS**, the City's present permit fee for work performed in the public right-of-way does not cover the City's costs; and

**WHEREAS**, the City's costs include permit processing and issuance, and review and inspection of right-of-way construction plans and work in order to minimize disturbances of the public right-of way and to ensure the proper restoration of public property; and

**WHEREAS**, the City also is responsible for street paving and maintenance of public rights-of-way; and

**WHEREAS**, street cuts, excavations, and other disturbances within the right-of-way reduce the useful life of street paving and can cause other damage to public property; and

**WHEREAS**, the Council wishes to increase the construction permit fees to a level that more accurately reflects the costs related to infrastructure repair and improvement.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.**

**SECTION 1.** Chapter 11, Streets, Article 3, Permits and Improvements, of the *Takoma Park Code*, is amended as follows:

#### **CHAPTER 11. STREETS.**

#### **ARTICLE 3. PERMITS AND IMPROVEMENTS.**

**Sec. 11-15.** Permit required for grading or construction.

(a) No person shall grade, construct, cut or excavate any street, road, highway, alley, driveway apron, sidewalk, right-of-way, curb or gutter or begin any of the work of such grading or construction, without first having obtained a permit from the City Clerk. ~~To obtain a permit, the applicant must submit plans to the Clerk bearing the approval from the Director of Public Works or the Director's representative.~~

(b) No person, including any utility company, shall cut any road or public right-of-way for the purpose of installing or connecting underground power, communication lines, water or sewer lines, cable television wires, or for any other purpose without first obtaining a permit from the City.

(c) In the event of an unexpected repair or emergency, a utility company may commence such repair and emergency response work as required under the circumstances, provided that the utility company shall notify the City as promptly as possible of such repair or emergency work and shall obtain a permit from the City for such work as soon as possible.

(d) A violation of this ~~section~~ Article and any regulations adopted to implement or enforce this Article is a Class B offense.

(e) In addition to all other means of enforcement provided for by law and in this Article, the City Administrator, City Code Enforcement Officers or police officers may issue a stop-work order to any utility company or person who violates any provision of this Article or any regulations adopted to implement or enforce this Article. Any utility company or person who receives such a stop-work order shall immediately cease the work which constitutes the violation. The utility company or person shall comply with all terms and conditions imposed by the stop-work order before the work may resume.

\* \* \* \*

**Sec. 11-21. Permit and inspection fees.**

(a) Before any street, sidewalk, gutter, curb or drainage project (~~except a project which is entirely a grading project~~) may be begun on a road or street or within the boundaries of a dedication to the public use, the applicant for a permit to undertake the project shall pay ~~to the Treasurer four percent (4%) of the estimated cost of the project as determined by the Director, as an inspection and engineering fee:~~ a fee for road construction, right-of-way openings, pavement cuts, excavations, and other disturbance work within a public right-of way of the greater of \$25.00 or the following:

- (1) For disturbance activities within the roadbed: \$.60 per linear foot.
- (2) For disturbance activities outside of the roadbed: \$.30 per linear foot.

(b) In addition to the permit fee, a permittee shall reimburse the City, on an hourly basis, for reasonable engineering and staff expenses related to the review and inspection of construction within a public right-of-way. The hourly rates for such engineering and staff time shall be established by regulations promulgated in accordance with the provisions of Chapter 2, Article 5, Administrative Regulations, of the *Takoma Park Code* ("Administrative Regulations Ordinance").

~~(b) — Where any project is entirely a grading project, the applicant shall pay ten percent (10%) of the estimated cost of the project as determined by the Director to the Treasurer as an inspection and engineering fee if the office of the Director does the engineering work on the project and two percent (2%) if the applicant for the permit furnishes the engineering work.~~

~~(c) — In other projects involving street cuts excavation, curb cuts or driveway aprons, the Director may require that an inspection and engineering fee of ten dollars (\$10.) be paid by the applicant to the Treasurer before work is begun.~~

(c d) In all cases in this Article, the ~~Director of Public Works~~ **City Administrator or his/her designee** may require that an escrow deposit or a bond to cover costs of possible damage or related problems to public property be paid to the Treasurer. The amount of the escrow deposit or bond shall be determined by the ~~Director~~ **City Administrator or his/her designee** based on the project and shall be refunded after completion of the project with the approval of the ~~Director~~ **City Administrator or his/her designee**.

**SECTION 2.** This Ordinance shall be effective immediately.

Adopted this 27th day of May, 1997 by roll-call vote as follows:

Aye:	Sharp, Chavez, Davenport, Porter, Rubin, Williams
Nay:	None
Absent:	Elrich
Abstain:	None

**EXPLANATION:**

1. **Additions** to the current language of the *Takoma Park Code* are shown by **shading**.
2. ~~Deletions~~ to the current language of the *Takoma Park Code* are shown by ~~strikeouts~~.
3. \* \* \* \* denotes language of the *Takoma Park Code* which is not changed by this Ordinance and is not set forth in this Ordinance.

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